

“(d) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to implement this section.

“(2) Regulations prescribed by the Secretary under paragraph (1) shall include the following:

“(A) Policies and procedures to ensure the timely, efficient, and effective processing and administration of claims under this section, including—

“(i) the filing, receipt, investigation, and evaluation of a claim;

“(ii) the negotiation, settlement, and payment of a claim; and

“(iii) such other matters relating to the processing and administration of a claim, including an administrative appeals process, as the Secretary considers appropriate.

“(B) A process through which any claimant who pursues an administrative appeal of a claim will be provided with an opportunity to participate in a live hearing regarding such appeal, which may be attended by the claimant in-person or remotely through electronic means.

“(C) Uniform standards consistent with generally accepted standards used in a majority of States in adjudicating claims under chapter 171 of title 28 (commonly known as the ‘Federal Tort Claims Act’) to be applied to the evaluation, settlement, and payment of claims under this section without regard to the place of occurrence of the sex-related offense giving rise to the claim or the military department of the covered individual, and without regard to foreign law in the case of claims arising in foreign countries, including uniform standards to be applied to determinations with respect to—

“(i) whether an act or omission by a covered individual was negligent or wrongful, considering the specific facts and circumstances;

“(ii) whether the personal injury or death of the claimant was caused by a negligent or wrongful act or omission of a covered individual;

“(iii) requirements relating to proof of duty, breach of duty, and causation resulting in compensable injury or loss, subject to such exclusions as may be established by the Secretary of Defense; and

“(iv) calculation of damages, except that any standard establishing a maximum limit on noneconomic damages may not limit such damages to less than \$800,000.

“(D) A requirement that any maximum limit on noneconomic damages shall be not less than \$800,000.

“(E) Such other matters as the Secretary considers appropriate.

“(3) In order to implement expeditiously the provisions of this section, the Secretary may prescribe the regulations under this subsection—

“(A) by prescribing an interim final rule; and

“(B) not later than one year after prescribing such interim final rule and considering public comments with respect to such interim final rule, by prescribing a final rule.

“(e) LIMITATIONS ON ATTORNEY FEES.—(1) No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of any claim paid pursuant to this section.

“(2) Any attorney who charges, demands, receives, or collects for services rendered in connection with a claim under this section any amount in excess of the amount allowed under paragraph (1), if recovery be had, shall be fined not more than \$2,000, imprisoned not more than one year, or both.

“(3) The United States shall not be liable for any attorney fees of a claimant under this section.

“(f) ANNUAL REPORT.—Not less frequently than annually until 2026, the Secretary of

Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

“(1) indicating the number of claims processed under this section;

“(2) indicating the resolution of each such claim; and

“(3) describing any other information that may enhance the effectiveness of the claims process under this section.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘covered individual’ means a member of the armed forces or an employee of the Department of Defense.

“(2) The term ‘sex-related offense’ has the meaning given that term in section 1044e(h) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 163 of such title is amended by inserting after the item relating to section 2733a the following new item:

“2733b. Claims arising from sex-related offenses.”.

(b) INTERIM BRIEFING ON DEVELOPMENT OF REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the development of regulations under section 2733b(d) of title 10, United States Code, as added by subsection (a)(1).

(c) CONFORMING AMENDMENTS.—

(1) Section 2735 of such title is amended by inserting “2733b.” after “2733a.”.

(2) Section 1304(a)(3)(D) of title 31, United States Code, is amended by inserting “2733b.” after “2733a.”.

(d) EFFECTIVE DATE AND TRANSITION PROVISION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim filed under section 2733b of such title, as added by subsection (a)(1), on or after January 1, 2022.

(2) TRANSITION.—Any claim filed in calendar year 2021 shall be deemed to be filed within the time period specified in section 2733b(b)(2) of such title, as so added, if it is filed within three years after it accrues.

**SA 3871.** Ms. WARREN (for herself, Mr. DAINES, Mr. KING, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

**SEC. \_\_\_\_.** **RECOGNITION AND HONORING OF SERVICE OF INDIVIDUALS WHO SERVED IN UNITED STATES CADET NURSE CORPS DURING WORLD WAR II.**

Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(g)(1)(A) Service as a member of the United States Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on December 31, 1948, of any individual who was honorably discharged therefrom pursuant to subparagraph (B) shall be considered active duty for purposes of eligibility and entitlement to benefits under chapters 23 and 24 of this title (including with respect to

headstones and markers), other than such benefits relating to the interment of the individual in Arlington National Cemetery provided solely by reason of such service.

“(B)(i) Not later than one year after the date of the enactment of this subsection, the Secretary of Defense shall issue to each individual who served as a member of the United States Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on December 31, 1948, a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

“(ii) A discharge under clause (i) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that clause.

“(2) An individual who receives a discharge under paragraph (1)(B) for service as a member of the United States Cadet Nurse Corps shall be honored as a veteran but shall not be entitled by reason of such service to any benefit under a law administered by the Secretary of Veterans Affairs, except as provided in paragraph (1)(A).

“(3) The Secretary of Defense may design and produce a service medal or other commendation, or memorial plaque or grave marker, to honor individuals who receive a discharge under paragraph (1)(B).”.

**SA 3872.** Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 821. DIVERSITY AND INCLUSION REPORTING REQUIREMENTS FOR COVERED CONTRACTORS.**

(a) IN GENERAL.—Subchapter V of chapter 325 of title 10, United States Code, is amended by inserting after section 4892 the following new section:

“**§ 4893. Diversity and inclusion reporting requirements for covered contractors**

“(a) COVERED CONTRACTOR REPORTS.—

“(1) IN GENERAL.—The Secretary of Defense shall require each covered contractor awarded a major contract to submit to the Secretary of Defense by the last day of each full fiscal year that occurs during the period of performance of any major contract a report on diversity and inclusion.

“(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by the report—

“(A) a description of each major contract with a period of performance during the fiscal year covered by the report, including the period of performance, expected total value, and value to date of each major contract;

“(B) the total value of payments received under all major contracts of each covered contractor during such fiscal year;

“(C) the total number of participants in the board of directors of each covered contractor, nominees for the board of directors of the covered contractor, and the senior leaders of the covered contractor, disaggregated by demographic classifications

“(D) with respect to employees of each covered contractor—